

BARRY J. PORTMAN  
Federal Public Defender  
JOHN PAUL REICHMUTH  
Assistant Federal Public Defender  
555 - 12th Street  
Suite 650  
Oakland, CA 94607-3627  
Telephone: (510) 637-3500  
Counsel for Defendant JOHNSON

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	No. CR-07-00488 CW
	)	
Plaintiff,	)	<b>STIPULATION AND [PROPOSED]</b>
	)	<b>ORDER CONTINUING STATUS</b>
vs.	)	<b>HEARING</b>
	)	
ANDRE MATTHEWS, et al.	)	Hearing Date: October 24, 2007
	)	Requested Date: November 28, 2007
Defendant.	)	
	)	

It is hereby stipulated that the STATUS hearing date of October 24, 2007 be continued to November 28, 2007 at 2:00 p.m. In addition, the parties stipulate and agree that time should be excluded between October 24, 2007 and November 28, 2007 due to the ongoing investigation by defense counsel. Approximately 4000 pages of discovery have been produced to defense counsel in electronic form. Not all of this has been printed. This electronic discovery has been converted to OCR searchable form by defense counsel and distributed to all defense counsel. Seven CD-ROM's of discovery recently received have not been reviewed. Calculation of loss value exposure will be a complicated process in this case and is ongoing. The parties understand the court's preference for setting of motions by stipulation; however, the parties are not in a position

1 to assess the time needed for discovery review or motions preparation. The parties will attempt  
2 to propose a motions schedule by stipulation prior to the requested next appearance.

3 The parties agree that the ends of justice served by the continuance requested herein  
4 outweigh the best interest of the public and the defendant in a speedy trial because the failure to  
5 grant the continuance would deny the counsel for the defendant the reasonable time necessary for  
6 effective preparation, taking into account the exercise of due diligence. Time should therefore be  
7 excluded pursuant to 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

8  
9 10-23-07  
Date

/s/

John Paul Reichmuth  
Assistant Federal Public Defenders  
Counsel for defendant Johnson

12  
13 10-23-07  
Date

/s/

Richard Tamor  
Counsel for defendant Bacon

15 10-23-07  
Date

/s/

Garrick Lew  
Counsel for defendant Alexander

17 10-23-07  
Date

/s/

Gail Shifman  
Counsel for defendant Kautzman

19 10-23-07  
Date

/s/

John Hemann  
Counsel for defendant Matthews

21 10-23-07  
Date

/s/

Laura Robinson  
Counsel for defendant Enriquez

24 10-23-07  
Date

/s/

Mark Goldrosen  
Counsel for defendant Reyes

1 10-23-07  
Date

/s/  
Seth Chazin  
Counsel for defendant Williams

3 10-23-07  
Date

/s/  
Keslie Stewart  
Assistant United States Attorney

6 I hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/S/) within this efiled document.

/S/ John Paul Reichmuth  
Counsel for Defendant Alicia Johnson

9  
10 **ORDER**

11 Based on the reasons provided in the stipulation of the parties above, the Court hereby  
12 finds that the ends of justice served by the continuance requested herein outweigh the best  
13 interest of the public and the defendant in a speedy trial because the failure to grant the  
14 continuance would deny the counsel for the defendant the reasonable time necessary for effective  
15 preparation, taking into account the exercise of due diligence. The Court makes this finding  
16 because the parties continue to investigate the new discovery, which is voluminous.

17 Based on these findings, IT IS HEREBY ORDERED THAT the STATUS hearing date of  
18 October 24, 2007 at 2:00 p.m. be continued to November 28 and that time be excluded from  
19 October 24, 2007 to November 28, 2007 pursuant to 18 U.S.C. §§3161 (h)(8)(A) and (B)(iv).

20 IT IS SO ORDERED.

22 \_\_\_\_\_  
Date

\_\_\_\_\_  
Hon. Claudia Wilken  
United States District Judge